

Exhibit C

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ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S
RESPONSES AND OBJECTIONS TO
DEFENDANT GOOGLE INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION TO PLAINTIFF
ORACLE AMERICA, INC. (NOS. 1-65)**

Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 PROPOUNDING PARTY: Defendant GOOGLE INC.

2 RESPONDING PARTY: Plaintiff ORACLE AMERICA, INC.

3 SET NO.: One (Nos. 1-65)

4 Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Plaintiff Oracle
5 America, Inc. ("Oracle") hereby submits the following responses and objections to Defendant
6 Google Inc.'s ("Google") First Set of Requests for Production of Documents ("Requests").

7 **REQUEST FOR PRODUCTION NO. 1:**

8 All Documents Relating to the Patents-in-Suit or the Claimed Subject Matter of the
9 Patents-in-Suit, including but not limited to all Documents Relating to the prosecution of the
10 Patents-in-Suit and all Documents Relating to the conception, diligence and/or reduction to
11 practice of any invention(s) allegedly claimed in the Patents-in-Suit.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

13 Oracle directs Google's attention to Oracle's production pursuant to Patent Local Rule 3-
14 2, which includes documents that relate to the patents in suit and the technology at issue. Oracle
15 will produce additional non-privileged, non attorney work-product documents found in Oracle's
16 possession, custody, or control through reasonable efforts.

17 Oracle objects to this request on the grounds that "All Documents Relating to" and "the
18 Claimed Subject Matter of the Patents-in-Suit" are vague. Oracle further objects to this request to
19 the extent that it encompasses documents and information protected from discovery by the
20 attorney-client privilege or the attorney work-product doctrine.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 All Documents and Things Relating to Related Patents and/or Applications or any
23 Claimed Subject Matter disclosed by any Related Patents and/or Applications, including but not
24 limited to all Documents Relating to the prosecution of Related Patents.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

26 Oracle has already produced or will produce U.S. and foreign file histories in its
27 possession, custody or control that can be found through reasonable efforts corresponding to:

28 5,367,685

1 RE36,204

2 RE38,104

3 6,513,156

4 6,910,205

5 5,966,702

6 6,125,447

7 6,192,476

8 6,047,377

9 6,044,467

10 6,061,520

11 7,293,267

12 7,426,720

13 To the extent Google seeks other documents or things, Oracle objects to this request on
 14 the grounds that it is unduly burdensome. Information relating to “Related Patents and/or
 15 Applications” is publicly accessible and equally available to Google. Oracle also objects to this
 16 request on the grounds that it is not clear exactly what Google seeks because the request does not
 17 describe with reasonable particularity each item or category of items to be inspected as required
 18 by Federal Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, “All Documents and Things Relating
 19 to Related Patents and/or Applications,” “All Documents and Things Relating to . . . any Claimed
 20 Subject Matter disclosed by any Related Patents and/or Applications,” and “all Documents
 21 Relating to the prosecution of Related Patents,” Oracle objects to this request as vague and
 22 overbroad. Oracle further objects to this request to the extent that it encompasses documents and
 23 information protected from discovery by the attorney-client privilege or the attorney work-
 24 product doctrine.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 All Documents and Things Relating to any licenses, assignments of, grants of rights to,
 27 covenants not to sue for infringement of, or requests for or negotiations regarding any license of,
 28 assignment of, grant of rights to, or covenant not to sue for infringement of, the Patents-in-Suit,

1 any Related Patents and/or Applications, or the Claimed Subject Matter disclosed in the Patents-
2 in- Suit.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

4 Oracle will produce licenses, assignments, grants of rights to, covenants not to sue for
5 infringement of the asserted patents that can be found in its possession, custody, or control
6 through reasonable efforts. Oracle directs Google to documents evidencing ownership of the
7 patent rights at OAGOOGL00000053760-53792 and OAGOOGL00000056022-56028.

8 To the extent Google seeks other documents or things, Oracle objects to this request on
9 the grounds that it is not clear exactly what Google seeks because the request does not describe
10 with reasonable particularity each item or category of items to be inspected as required by Federal
11 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such
12 documents, Oracle objects to this request as overly broad, unduly burdensome, and not
13 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the
14 extent that it would encompass documents and information protected from discovery by the
15 attorney-client privilege or the attorney work-product doctrine.

16 **REQUEST FOR PRODUCTION NO. 4:**

17 Documents and Things sufficient to Identify every device, system, or product that is or
18 was marked (by Sun, by Oracle or by any other person) with the patent number of any of the
19 Patents-in-Suit or any Related Patents.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

21 Oracle is not aware of any device, system, or product expressly marked with the patent
22 number of any of the Patents-in-Suit or any Related Patents as defined in Oracle’s response to
23 Google’s request for production no. 2.

24 **REQUEST FOR PRODUCTION NO. 5:**

25 All Documents and Things on which Oracle relies in support of its belief, allegation, or
26 contention of infringement of the Patents-in-Suit by Google, including all Documents concerning
27 any opinions, studies, review, analysis, or investigation done at any time regarding whether any
28 claims of the Patents-in-Suit are being or have been infringed by Google, and all documents

1 sufficient to show Oracle's basis for each element of indirect infringement, including but not
2 limited to any knowledge by Google of the Patent-in-Suit and the availability of any
3 noninfringing substitutes for the Accused Products.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

5 Oracle hereby directs Google to Oracle's Preliminary Infringement Contentions and
6 produces by reference <http://android.git.kernel.org>; <http://developer.android.com>;
7 <http://www.android.com>; <http://source.android.com>; <http://www.openhandsetalliance.com>;
8 <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled "Dalvik
9 Virtual Machine Internals," presented by Dan Bornstein (Google Android Project), available at
10 <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled
11 "Android: Securing a Mobile Platform from the Ground Up," presented by Rich Cannings
12 (Google's Android Team) at the Usenix 18th Security Symposium (Aug. 12, 2010), available at
13 <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled "A JIT Compiler for
14 Android's Dalvik VM," presented by Ben Cheng and Bill Buzbee (Google's Android Team),
15 available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>.

16 To the extent Google seeks other documents or things, Oracle objects to this request on
17 the grounds that it is not clear exactly what Google seeks because the request does not describe
18 with reasonable particularity each item or category of items to be inspected as required by Federal
19 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,
20 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further
21 objects to this request to the extent that it encompasses documents and information protected
22 from discovery by the attorney-client privilege or the attorney work-product doctrine. Google,
23 not Oracle, is in the best position to have information regarding its own documents showing
24 "knowledge by Google of the Patent-in-Suit and the availability of any noninfringing substitutes
25 for the Accused Products."
26
27
28

REQUEST FOR PRODUCTION NO. 6:

Documents and Things sufficient to show each physical embodiment of any Claimed Subject Matter for each of the Patents-in-Suit and to identify by Date and other relevant details (including place and method of disclosure) the first public disclosure of each embodiment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

In addition to publicly available information on the internet (for example, developer.sun.com, java.sun.com, and www.sun.com), Oracle directs Google's attention to Oracle's production pursuant to Patent Local Rule 3-2.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, "any Claimed Subject Matter for each of the Patents-in-Suit," Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 7:

All Documents and Things Relating to the formation, organization and management structure of Oracle, including but not limited to articles, bylaws, board minutes and organizational charts.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Oracle will produce its articles of incorporation and bylaws, and Oracle will also produce a management organizational charts. Oracle directs Google to Sun's publicly available corporate filings, many of which are accessible at www.sec.gov. Oracle also directs Google to its Amended Notice of Interested Parties and Corporate Disclosure filed in this action on September 28, 2010 (Docket No. 28).

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal
2 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects,
3 and board minutes specifically, Oracle objects to this request as overly broad, unduly
4 burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects
5 to this request to the extent that it would encompass documents and information protected from
6 discovery by the attorney-client privilege or the attorney work-product doctrine.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 All Documents and Things that comprise, Identify, or otherwise Relate to any Prior Art
9 Relating to the Patents-in-Suit.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

11 Oracle directs Google’s attention to Oracle’s production pursuant to Patent Local Rule 3-
12 2, and will produce Prior Art pursuant to this request. Oracle’s production of a documents
13 pursuant to Google’s request for production no. 8 shall not constitute an admission that such
14 document evidences “Prior Art” “Relating to the Patents-in-Suit” under Google’s definitions of
15 same.

16 To the extent Google seeks other documents or things, Oracle objects to this request on
17 the grounds that it is not clear exactly what Google seeks because the request does not describe
18 with reasonable particularity each item or category of items to be inspected as required by Federal
19 Rule of Civil Procedure 34(b)(1)(A). As to, *e.g.*, “All Documents and Things that comprise,
20 Identify, or otherwise Relate to any Prior Art Relating to,” Oracle objects to this request as vague,
21 overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence.
22 Oracle further objects to this request to the extent that it encompasses documents and information
23 protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

24 **REQUEST FOR PRODUCTION NO. 9:**

25 All Documents and Things sufficient to show the assignment of the Patents-in-Suit to
26 Oracle as described in paragraph 10 of Oracle’s Amended Complaint.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

28 Oracle produced responsive documents pursuant to Patent Local Rule 3-2(d).

1 To the extent Google seeks other documents or things, Oracle objects to this request to the
2 extent that it encompasses documents and information protected from discovery by the attorney-
3 client privilege or the attorney work-product doctrine.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All Documents and Things Relating to the terms of employment, retention, or departure
6 from Sun, Oracle, or Oracle Corporation of any of the named inventors of the Patents-In-Suit,
7 including but not limited to any employment contracts, employee handbooks, assignments of
8 intellectual property and documents relating to employment contract negotiations, employee
9 reviews, exit interviews, integration interviews, and migration interviews.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 Oracle will produce employment files for the named inventors that are non-privileged and
12 can be found in its possession, custody, or control through reasonable efforts. In compliance with
13 California's privacy laws, Oracle will redact social-security numbers and other protected
14 information. Oracle directs Google to the documents produced pursuant to the Court's Patent
15 Local Rule 3-2(d) showing Oracle's ownership of the asserted patent rights.
16 (OAGOOGL0000053760-53792 and OAGOOGL0000056022- 56028).

17 To the extent Google seeks other documents or things, Oracle objects to this request on
18 the grounds that it is not clear exactly what Google seeks because the request does not describe
19 with reasonable particularity each item or category of items to be inspected as required by Federal
20 Rule of Civil Procedure 34(b)(1)(A). As for "all documents and things relating to" such subjects,
21 Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated
22 to lead to admissible evidence. Oracle further objects to this request to the extent that it would
23 encompass documents and information protected from discovery by the attorney-client privilege
24 or the attorney work-product doctrine.

25 **REQUEST FOR PRODUCTION NO. 11:**

26 All Documents and Things Relating to any Related Litigation or prior action in which Sun
27 or Oracle claimed infringement of the Patents-in-Suit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Oracle is not aware of any related litigation or prior action in which Sun or Oracle claimed infringement of the Patents-in-Suit.

REQUEST FOR PRODUCTION NO. 12:

All Documents and Things Relating to Java, Android, Dalvik or Google that were prepared for, provided to, received from, exchanged with, presented to or by, or jointly reviewed with Oracle Corporation and/or its counsel prior to January 26, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 13:

All Documents and Things Relating to any valuation or monetization of Sun's intellectual property, by category such as patents or copyrights, or by any sub-category, including but not limited to any documents that were prepared for, provided to, received from, exchanged with, presented to or by, or jointly reviewed with Oracle Corporation and/or its counsel prior to January 26, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Subject to the following objections, Oracle will produce non-privileged Documents and Things Relating to valuation or monetization of the Patents-in-Suit and related Java technology.

1 Oracle objects to Request No. 13 to the extent that it is vague, overbroad, or seeks
2 documents protected by any applicable privilege or the work product doctrine. In addition,
3 Oracle objects that Request No. 13 is not limited to valuation or monetization of the Patents-in-
4 Suit or related technology and, therefore, not reasonably calculated to lead to admissible
5 evidence.

6 **REQUEST FOR PRODUCTION NO. 14:**

7 All Documents and Things Relating to Java, Android, Dalvik, or Google that were
8 prepared, created, revised, received, reviewed or compiled by Sun or by Oracle during or in
9 connection with the Negotiations for the Acquisition of Sun.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

11 Oracle will meet and confer with Google to determine appropriate ESI search terms,
12 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI
13 agreement.

14 To the extent Google seeks other documents or things, Oracle objects to this request on
15 the grounds that it is not clear exactly what Google seeks because the request does not describe
16 with reasonable particularity each item or category of items to be inspected as required by Federal
17 Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle
18 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
19 to lead to admissible evidence. Oracle further objects to this request to the extent that it
20 encompasses documents and information protected from discovery by the attorney-client
21 privilege or the attorney work-product doctrine.

22 **REQUEST FOR PRODUCTION NO. 15:**

23 All Documents and Things Relating to review of the Acquisition of Sun by Oracle
24 Corporation, including but not limited to antitrust review, in any jurisdiction, including but not
25 limited to any documents prepared for, provided to, received from, exchanged with, presented to
26 or by, or jointly reviewed with any division of the United States Department of Justice, or any
27 division of the European Commission, or any other private or public entity conducting a review.
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Oracle will produce non-privileged records from any antitrust review that relate to the Java business, to the extent any can reasonably be found in its possession, custody, or control.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 16:

All Documents and Things Relating to Sun’s licensing of Java, including but not limited to a copy of each license to any aspect or element of Java granted by Sun to any third party, all documents Relating to any negotiations related to each license, and any drafts of licenses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Oracle will produce Java licenses that can be found in its possession, custody, or control through reasonable efforts.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 17:

All Documents and Things Relating to statements relevant to whether Java is, was, or would become open source software, including but not limited to any press releases, statements or disclosures to private or public entities, agencies or standard setting bodies, advertisements, financial disclosures, business plans, or any other document, public or private, relating to the open source nature of Java.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Oracle directs Google to www.jcp.org.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such subjects, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 18:

Documents and Things sufficient to identify each release of Java and each release of the Java SDK, the date of each release, and the terms of any license offered, or entered into, for each such release including a copy of each license, all negotiations related to each license, and any draft licenses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

In addition to publicly available information on the internet (for example, developer.sun.com, java.sun.com, and www.sun.com), Oracle directs Google’s attention to Oracle’s production pursuant to Patent Local Rule 3-2. Oracle also directs Google to Oracle’s response to Google’s request for production no. 16.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal
2 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,
3 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further
4 objects to this request to the extent that it encompasses documents and information protected
5 from discovery by the attorney-client privilege or the attorney work-product doctrine.

6 **REQUEST FOR PRODUCTION NO. 19:**

7 Documents and Things sufficient to identify the differences between each release of Java
8 and each release of the Java SDK.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

10 Oracle directs Google's attention to Oracle's production pursuant to Patent Local Rule 3-
11 2.

12 To the extent Google seeks other documents or things, Oracle objects to this request on
13 the grounds that it is not clear exactly what Google seeks because the request does not describe
14 with reasonable particularity each item or category of items to be inspected as required by Federal
15 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,
16 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further
17 objects to this request to the extent that it encompasses documents and information protected
18 from discovery by the attorney-client privilege or the attorney work-product doctrine.

19 **REQUEST FOR PRODUCTION NO. 20:**

20 Documents and Things sufficient to show the terms of any license for the creation and
21 distribution of clean room implementations of each Java release offered by Sun, including but not
22 limited to a copy of each license, all negotiations related to each license, and any draft licenses.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Oracle directs Google to documents produced in response to Google's request for
25 production no. 16. Oracle also directs Google to the JSPA, which is publicly available at
26 www.jcp.org. Oracle also directs Google to publicly available Java agreements and licenses at:
27 developer.sun.com, java.sun.com, and www.sun.com.
28

REQUEST FOR PRODUCTION NO. 21:

Documents and Things sufficient to identify all test suites relating to each release of each Java specification.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Oracle objects to this request on the grounds that it is not clear what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “all test suites,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 22:

Documents and Things sufficient to identify any intellectual property rights that are essential to practice each release of each Java specification.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “essential to practice,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 23:

Documents and Things sufficient to show the assignment of Sun’s intellectual property to Oracle, including but not limited to any agreements, written assignments, and documents filed with or exchanged with public or private entities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Oracle produced the Sun Microsystems, Inc. and Oracle America, Inc. merger agreement.

1 To the extent Google seeks other documents or things, Oracle objects to this request on
2 the grounds that it is not clear exactly what Google seeks because the request does not describe
3 with reasonable particularity each item or category of items to be inspected as required by Federal
4 Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad,
5 unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further
6 objects to this request to the extent that it encompasses documents and information protected
7 from discovery by the attorney-client privilege or the attorney work-product doctrine.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 Documents and Things sufficient to identify and show the terms of each license to any
10 version of Sun's Java Technology Compatibility Kit that are, or have been made, available to any
11 party.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

13 As stated in response to Google's request No. 16, Oracle will produce Java licenses,
14 which include Java TCK licenses, that can be found in its possession, custody, or control through
15 reasonable efforts. Oracle directs Google to publicly available Java agreements and licenses at
16 the following public websites: developer.sun.com, java.sun.com, www.sun.com, and
17 www.jcp.org.

18 **REQUEST FOR PRODUCTION NO. 25:**

19 All Documents and Things Relating to each attempt by any third party to obtain a
20 Technology Compatibility Kit from Sun to verify compatibility of a product, including but not
21 limited to all Documents related to the communications between Sun and the Apache Software
22 Foundation concerning Apache Software Foundation's attempt to obtain a Technology
23 Compatibility Kit, all Documents detailing any field of use restrictions relating to such
24 Technology Compatibility Kit, and all Documents setting forth the criteria employed by Sun to
25 determine whether to make the Technology Compatibility Kit available.
26
27
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Oracle directs Google to Oracle's response to Google's request for production no. 24. Oracle directs Google to publicly available communications at the following public website: www.jcp.org.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 26:

All Documents and Things reflecting or Relating to any public or private comments, opinions or communications of third parties regarding the licensing of Java, including but not limited to Oracle Corporation comments in the Java Community Process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Oracle directs Google to the publicly available JCP repositories at www.jcp.org.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "all documents and things relating to" such comments, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 27:

All Documents and Things Relating to the ways, if any, in which Android has affected or is expected to affect the demand for, utilization of or market for Java, including but not limited to

1 all Documents Relating to comments from Jonathan Schwartz, and any studies, assessments,
2 financial analyses, business plans, or projections.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

4 Subject to the following objections, Oracle will produce non-privileged Documents and
5 Things responsive to this Request.

6 Oracle objects to Request No. 27 to the extent that it is vague, overbroad, or seeks
7 documents within the possession of Google or protected by any applicable privilege or the work
8 product doctrine.

9 **REQUEST FOR PRODUCTION NO. 28:**

10 Complete copies of each of the Asserted Works.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

12 Oracle will obtain and produce copies of the deposit materials submitted to the U.S.
13 Copyright Office in connection with the applications for the asserted copyrights. Oracle also
14 directs Google to Oracle's production pursuant to Patent Local Rule 3-2 and refers Google to
15 developer.sun.com, java.sun.com, and www.sun.com.

16 **REQUEST FOR PRODUCTION NO. 29:**

17 True and correct copies of the deposit materials submitted to the U.S. Copyright Office in
18 connection with (a) the applications for the Asserted Copyrights and (b) the applications for
19 registration of the copyrights in the Prior Works, in the same format (i.e., electronic or paper
20 copy) as submitted to the Copyright Office.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

22 Oracle will obtain and produce copies of the deposit materials submitted to the U.S.
23 Copyright Office in connection with the applications for the asserted copyrights and the Prior
24 Works.

25 **REQUEST FOR PRODUCTION NO. 30:**

26 Documents and Things sufficient to identify the specific portions of, elements of or
27 materials relating to the Android platform that Oracle contends evidence infringement of one or
28 both of the Asserted Copyrights.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Oracle directs Google's attention to Oracle's pleadings, Oracle's production pursuant to Patent Local Rule 3-2 and to developer.sun.com, java.sun.com, and www.sun.com. Oracle will also obtain and produce copies of the deposit materials submitted to the U.S. Copyright Office in connection with the applications for the asserted copyrights.

Oracle also directs Google to Oracle's Preliminary Infringement Contentions and produces by reference <http://android.git.kernel.org>; <http://developer.android.com>; <http://www.android.com>; <http://source.android.com>; <http://www.openhandsetalliance.com>; <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled "Dalvik Virtual Machine Internals," presented by Dan Bornstein (Google Android Project), available at <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled "Android: Securing a Mobile Platform from the Ground Up," presented by Rich Cannings (Google's Android Team) at the Usenix 18th Security Symposium (Aug. 12, 2010), available at <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled "A JIT Compiler for Android's Dalvik VM," presented by Ben Cheng and Bill Buzbee (Google's Android Team), available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>.

REQUEST FOR PRODUCTION NO. 31:

Complete copies of all works on which the Asserted Works were based, that are included in the Asserted Works (in whole or in part) or of which the Asserted Works are derivative works, including but not limited to the Prior Works.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Oracle directs Google's attention to Oracle's response to Google's request for production No. 28.

REQUEST FOR PRODUCTION NO. 32:

Complete copies of all materials included in the Asserted Works that were created by any Third Party Authors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Oracle directs Google's attention to Oracle's response to Google's request for production no. 28.

REQUEST FOR PRODUCTION NO. 33:

Documents and Things sufficient to show the basis for Sun's claim of ownership of all materials created by the Third Party Authors, including any agreements with such authors or transfers or assignments from such authors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Oracle will obtain and produce copies of the deposit materials submitted to the U.S. Copyright Office in connection with the applications for the asserted copyrights. Oracle will obtain and produce copies of the copyright registration certificates and registration files for the asserted copyrights.

REQUEST FOR PRODUCTION NO. 34:

Documents and Things sufficient to identify the portions of each of the Asserted Works that Oracle contends were new, original, and were not included in any Prior Works or other preexisting materials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Oracle directs Google's attention to Oracle's response to Google's request for production no. 28.

REQUEST FOR PRODUCTION NO. 35:

All Documents and Things Relating to any Related Litigation or prior action in which Sun or Oracle claimed infringement of any of (1) the two Asserted Copyrights or (2) the copyrights in any Prior Works, including without limitation any lawsuit, interference, arbitration, mediation, opposition proceeding, or any other dispute or adversarial proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Oracle will produce the pleadings from prior litigation in which Sun or Oracle claimed infringement of the copyrights at issue in this action.

1 To the extent Google seeks other documents or things, Oracle objects to this request on
2 the grounds that it is not clear exactly what Google seeks because the request does not describe
3 with reasonable particularity each item or category of items to be inspected as required by Federal
4 Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to any Related
5 Litigation or prior action,” Oracle objects to this request as overly broad, unduly burdensome, and
6 not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to
7 the extent that it would encompass documents and information protected from discovery by the
8 attorney-client privilege or the attorney work-product doctrine.

9 **REQUEST FOR PRODUCTION NO. 36:**

10 All Documents Relating to any communications between Sun or Oracle with any third
11 party relating to any claim of infringement of the Asserted Works or any Prior Works, including
12 without limitation cease and desist, demand or notice letters.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

14 Oracle will meet and confer with Google to determine appropriate ESI search terms,
15 which Oracle will apply to user-generated documents and data pursuant to the Parties’ ESI
16 agreement.

17 Oracle otherwise objects to this request on the grounds that it is not clear what Google
18 seeks because the request does not describe with reasonable particularity each item or category of
19 items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As to “all test
20 suites,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not
21 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the
22 extent that it encompasses documents and information protected from discovery by the attorney-
23 client privilege or the attorney work-product doctrine.

24 **REQUEST FOR PRODUCTION NO. 37:**

25 All Documents and Things Relating to any licenses granted by Sun or Oracle that include
26 the right to use in mobile devices any of the works that are the subject of the Asserted Copyrights
27 or any Prior Works.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

As stated in response to request No. 16 above, Oracle will produce Java licenses that can be found in its possession, custody, or control through reasonable efforts.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “all documents and things relating to” such licenses, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 38:

All Documents and Things Relating to or reflecting any analysis of or comparison between any portion or element of Java and any portion or element of Android.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 39:

All Documents and Things Relating to the computation, calculation, study, analysis, report, investigation, or other inquiry into FRAND and/or RAND pricing for any intellectual property rights related to Java or the Patents-in-Suit, including without limitation standards policies and agreements, consent decrees, and other commitments to license Java or the Patents-in-Suit on FRAND and/or RAND terms.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 39 to the extent that it is vague, overbroad, or seeks documents protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 40:

All Documents and Things Relating to any marketing studies, marketing analyses, marketing plans, business plans, or other study on techniques, plans, or tactics to increase or establish market share or utilization for Java.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 40 to the extent that it is vague, overbroad, or seeks documents protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 41:

All Documents and Things that were prepared for, provided to, received from, exchanged with, presented to or by, or jointly reviewed with any Investment Banks Relating to Sun's Intellectual Property, Java or the Acquisition of Sun by Oracle Corporation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Oracle will produce responsive non-privileged documents relating to the technology at issue, to the extent any can reasonably be found in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 42:

All Documents and Things Relating to or reflecting any communications between Oracle or Sun, on the one hand, and Google, on the other hand, Relating to the Patents-In-Suit, the Asserted Copyrights, or any claim or possible claim of patent or copyright infringement by Oracle or Sun against Google.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

Oracle otherwise objects to this request on the grounds that it unduly burdensome because Google is already in possession of any responsive documents. Oracle also objects on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 43:

All Documents and Things Relating to the valuation of intangible assets of Sun acquired by Oracle Corporation as reflected in Oracle Corporation's July 1, 2010 Form 10-K Annual Report, including but not limited to all analyses, studies, investigations, reports, and calculations Relating to the determination of the values in the table in the section entitled "Valuations of Intangible Assets Acquired" on page 104 of such report.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Subject to the following objections, Oracle will produce non-privileged Documents and Things Relating to any valuation of the Patents-in-Suit or related Java technology acquired from Sun.

Oracle objects to Request No. 43 to the extent that it is vague, overbroad, or seeks documents r protected by any applicable privilege or the work product doctrine. In addition, Oracle objects that Request No. 43 is not limited to valuation of the Patents-in-Suit or related technology and, therefore, not reasonably calculated to lead to admissible evidence.

REQUEST FOR PRODUCTION NO. 44:

All Documents and Things Relating to the factual basis for Oracle's claim for copyright infringement not produced pursuant to any other request herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Oracle objects to this request on the grounds that it is not clear what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "all documents and things relating to" the factual basis for Oracle's claim for copyright infringement, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects on the grounds that "not produced pursuant to any other request herein" is vague and ambiguous. Oracle further objects to this request to the extent that it would encompass documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 45:

All Documents and Things Relating to the factual basis for Oracle's statement that Oracle "has suffered, and will continue to suffer, monetary loss to its business, reputation, and goodwill."

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 45 to the extent that it is vague, overbroad, or seeks documents within the possession of Google or protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 46:

All Documents and Things Relating to the factual basis for Oracle's prayer for an "order permanently enjoining Google. . . ."

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 46 to the extent that it is vague, overbroad, or seeks documents within the possession of Google or protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 47:

All Documents and Things Relating to the factual basis for Oracle's prayer for "statutory damages and damages."

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 47 to the extent that it is vague, overbroad, or seeks documents within the possession of Google or protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 48:

All Documents and Things Relating to the factual basis for Oracle's prayer for the trebling of damages, including but not limited to, Documents forming the factual basis for Oracle's allegation of willful and deliberate infringement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 48 to the extent that it is vague, overbroad, or seeks documents within the possession of Google or protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 49:

All Documents and Things Relating to the factual basis for Oracle's prayer for costs and attorney's fees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Subject to the following objections, Oracle will produce non-privileged Documents and Things responsive to this Request.

Oracle objects to Request No. 49 to the extent that it is vague, overbroad, or seeks documents within the possession of Google or protected by any applicable privilege or the work product doctrine.

REQUEST FOR PRODUCTION NO. 50:

Documents and Things sufficient to identify the “corresponding documents” referred to in Oracle’s contention that that approximately one third of Android’s Application Programmer Interface (API) packages (available at <http://developer.android.com/reference/packages.html>) are derivative of Oracle America’s copyrighted Java API packages (available at <http://download-llnw.oracle.com/javase/1.5.0/docs/api/> and <http://download-llnw.oracle.com/javase/1.4.2/docs/api/>) and corresponding documents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Oracle refers Google to <http://developer.android.com/reference/packages.html>; <http://download-llnw.oracle.com/javase/1.5.0/docs/api/>; and <http://download-llnw.oracle.com/javase/1.4.2/docs/api/>. Oracle also directs Google to <http://android.git.kernel.org>; <http://developer.android.com>; <http://www.android.com>; <http://source.android.com>; <http://www.openhandsetalliance.com>; <http://code.google.com/p/android-dalvik-vm-on-java>; Google I/O 2008 Video, entitled “Dalvik Virtual Machine Internals,” presented by Dan Bornstein (Google Android Project), available at <http://developer.android.com/videos/index.html#v=ptjedOZEXPM>; Google Presentation, entitled “Android: Securing a Mobile Platform from the Ground Up,” presented by Rich Cannings (Google’s Android Team) at the Usenix 18th Security Symposium (Aug. 12, 2010), available at <http://www.usenix.org/events/sec09/tech/>; Google I/O 2010 Video, entitled “A JIT Compiler for Android’s Dalvik VM,” presented by Ben Cheng and Bill Buzbee (Google’s Android Team), available at <http://developer.android.com/videos/index.html#v=Ls0tM-c4Vfo>. Oracle also directs Google to developer.sun.com, java.sun.com, and www.sun.com, and the deposit materials produced in response to Google’s request for production no. 28.

Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items

1 to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this
2 request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to
3 admissible evidence. Oracle further objects to this request to the extent that it encompasses
4 documents and information protected from discovery by the attorney-client privilege or the
5 attorney work-product doctrine.

6 **REQUEST FOR PRODUCTION NO. 51:**

7 All Documents identified by Oracle in response to Google Inc.'s First Set of
8 Interrogatories to Oracle served in this Action.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

10 Oracle will produce documents identified in its responses to Google's First Set of
11 Interrogatories that may reasonably be located in its possession, custody or control and are not
12 publicly available.

13 **REQUEST FOR PRODUCTION NO. 52:**

14 All Documents and Things Relating to Java, Android, Dalvik, or Google that were
15 prepared, created, revised, received, reviewed or compiled by Sun during or in connection with
16 any negotiations Relating to the potential acquisition of Sun by any third party.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

18 Oracle will meet and confer with Google to determine appropriate ESI search terms,
19 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI
20 agreement.

21 To the extent Google seeks other documents or things, Oracle objects to this request on
22 the grounds that it is not clear exactly what Google seeks because the request does not describe
23 with reasonable particularity each item or category of items to be inspected as required by Federal
24 Rule of Civil Procedure 34(b)(1)(A). As to "All Documents and Things Relating to," Oracle
25 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
26 to lead to admissible evidence. Oracle further objects to this request to the extent that it
27 encompasses documents and information protected from discovery by the attorney-client
28 privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 53:

All Documents and Things Relating to MULTICS, Hydra System, KEYKOS, “capability-based systems,” “protection domains,” or “protected domains” that were known to or were in the possession, custody or control of the prosecuting attorneys of, named inventors of, or any Sun employee working on technology related to the subject matter of, U.S. Patent Nos. 6,192,476 and 6,125,447 prior to the latest issue date of the patents.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Oracle does not have custodial data for named inventor Li Gong of U.S. Patent Nos. 6,192,476 and 6,125,447. Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties’ ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further objects to this request to the extent it seeks documents and things not in Oracle’s possession, custody, or control.

REQUEST FOR PRODUCTION NO. 54:

All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers, MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade, LISP, SmallTalk, ELF, “snapping,” “JIT compilation,” “dynamic translation,” “object code translation,” “link snapping,” “delaying binding,” “call linkage,” dynamic linking,” “UUO (unimplemented user opcode) linking,” “software interrupt instruction,” “SVC instruction,” “link snapping,” “linker optimizations,” “constant folding,” “constant pooling,” or “CMS (code-morphing instruction)” that were known to or were in the possession, custody or control of the

1 prosecuting attorneys of, named inventor of, or any Sun employee working on technology related
2 to the subject matter of, U.S. Patent No. RE38,104 prior to the reissue date of the patent.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

4 Oracle will meet and confer with Google to determine appropriate ESI search terms,
5 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI
6 agreement.

7 To the extent Google seeks other documents or things, Oracle objects to this request on
8 the grounds that it is not clear exactly what Google seeks because the request does not describe
9 with reasonable particularity each item or category of items to be inspected as required by Federal
10 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle
11 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
12 to lead to admissible evidence. Oracle further objects to this request to the extent that it
13 encompasses documents and information protected from discovery by the attorney-client
14 privilege or the attorney work-product doctrine. Oracle further objects to this request to the
15 extent it seeks documents and things not in Oracle's possession, custody, or control.

16 **REQUEST FOR PRODUCTION NO. 55:**

17 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,
18 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,
19 LISP, SmallTalk, ELF, "snapping," "JIT compilation," "dynamic translation," "object code
20 translation," "link snapping," "delaying binding," "call linkage," dynamic linking," "UUO
21 (unimplemented user opcode) linking," "software interrupt instruction," "SVC instruction," "link
22 snapping," "linker optimizations," "constant folding," "constant pooling," or "CMS (code-
23 morphing instruction)" that were known to or were in the possession, custody or control of the
24 prosecuting attorneys of, named inventors of, or any Sun employee working on technology
25 related to the subject matter of, U.S. Patent No. 6,061,520 prior to the issue date of the patent.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

27 Oracle does not have custodial data for named inventors Frank Yellin and Richard Tuck
28 of U.S. Patent No. 6,061,520. Oracle will meet and confer with Google to determine appropriate

1 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the
2 Parties' ESI agreement.

3 To the extent Google seeks other documents or things, Oracle objects to this request on
4 the grounds that it is not clear exactly what Google seeks because the request does not describe
5 with reasonable particularity each item or category of items to be inspected as required by Federal
6 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle
7 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
8 to lead to admissible evidence. Oracle further objects to this request to the extent that it
9 encompasses documents and information protected from discovery by the attorney-client
10 privilege or the attorney work-product doctrine. Oracle further objects to this request to the
11 extent it seeks documents and things not in Oracle's possession, custody, or control.

12 **REQUEST FOR PRODUCTION NO. 56:**

13 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,
14 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,
15 LISP, SmallTalk, ELF, "snapping," "JIT compilation," "dynamic translation," "object code
16 translation," "link snapping," "delaying binding," "call linkage," dynamic linking," "UUO
17 (unimplemented user opcode) linking," "software interrupt instruction," "SVC instruction," "link
18 snapping," "linker optimizations," "constant folding," "constant pooling," or "CMS (code-
19 morphing instruction)" that were known to or were in the possession, custody or control of the
20 prosecuting attorneys of, named inventors of, or any Sun employee working on technology
21 related to the subject matter of, U.S. Patent No. 6,910,205 prior to the issue date of the patent.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

23 Oracle does not have custodial data for named inventors Lars Bak and Robert Griesemer
24 of U.S. Patent No. 6,910,205. Oracle will meet and confer with Google to determine appropriate
25 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the
26 Parties' ESI agreement.

27 To the extent Google seeks other documents or things, Oracle objects to this request on
28 the grounds that it is not clear exactly what Google seeks because the request does not describe

1 with reasonable particularity each item or category of items to be inspected as required by Federal
2 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle
3 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
4 to lead to admissible evidence. Oracle further objects to this request to the extent that it
5 encompasses documents and information protected from discovery by the attorney-client
6 privilege or the attorney work-product doctrine. Oracle further objects to this request to the
7 extent it seeks documents and things not in Oracle’s possession, custody, or control.

8 **REQUEST FOR PRODUCTION NO. 57:**

9 All Documents and Things Relating to MULTICS, IBM 360 assembler, IBM linkers,
10 MIPS linkers, GNU gettext, GNU linkers, GCC, Plan9 linker, Microsoft ICF, Transmeta, Shade,
11 LISP, SmallTalk, ELF, “snapping,” “JIT compilation,” “dynamic translation,” “object code
12 translation,” “link snapping,” “delaying binding,” “call linkage,” dynamic linking,” “UUO
13 (unimplemented user opcode) linking,” “software interrupt instruction,” “SVC instruction,” “link
14 snapping,” “linker optimizations,” “constant folding,” “constant pooling,” or “CMS (code-
15 morphing instruction)” that were known to or were in the possession, custody or control of the
16 prosecuting attorneys of, named inventors of, or any Sun employee working on technology
17 related to the subject matter of, U.S. Patent No. 5,966,702 prior to the issue date of the patent.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

19 Oracle does not have custodial data for named inventors Nedim Fresko and Richard Tuck
20 of U.S. Patent No. 5,966,702. Oracle will meet and confer with Google to determine appropriate
21 ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the
22 Parties’ ESI agreement.

23 To the extent Google seeks other documents or things, Oracle objects to this request on
24 the grounds that it is not clear exactly what Google seeks because the request does not describe
25 with reasonable particularity each item or category of items to be inspected as required by Federal
26 Rule of Civil Procedure 34(b)(1)(A). As for “All Documents and Things Relating to,” Oracle
27 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
28 to lead to admissible evidence. Oracle further objects to this request to the extent that it

1 encompasses documents and information protected from discovery by the attorney-client
2 privilege or the attorney work-product doctrine. Oracle further objects to this request to the
3 extent it seeks documents and things not in Oracle's possession, custody, or control.

4 **REQUEST FOR PRODUCTION NO. 58:**

5 All Documents and Things Relating to LISP, SmallTalk, EMACS editor, Tex text
6 formatting system, "MMAP flag," "fork," or "vfork" that were known to or were in the
7 possession, custody or control of the prosecuting attorneys of, named inventor of, or any Sun
8 employee working on technology related to the subject matter of, U.S. Patent No. 7,426,720 prior
9 to the issue date of the patent.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

11 Oracle does not have custodial data for named inventor Nedim Fresko of U.S. Patent No.
12 7,426,720. Oracle will meet and confer with Google to determine appropriate ESI search terms,
13 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI
14 agreement.

15 To the extent Google seeks other documents or things, Oracle objects to this request on
16 the grounds that it is not clear exactly what Google seeks because the request does not describe
17 with reasonable particularity each item or category of items to be inspected as required by Federal
18 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle
19 objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated
20 to lead to admissible evidence. Oracle further objects to this request to the extent that it
21 encompasses documents and information protected from discovery by the attorney-client
22 privilege or the attorney work-product doctrine. Oracle further objects to this request to the
23 extent it seeks documents and things not in Oracle's possession, custody, or control.

24 **REQUEST FOR PRODUCTION NO. 59:**

25 All Documents and Things Relating to Eiffel, SmallTalk, LISP, Objective C or
26 Cedar/Mesa that are or were known to or were in the possession, custody or control of any
27 prosecuting attorney of, or named inventors of, any of the patents-in-suit prior to the issue date, or
28 in the case of U.S. RE38,104, the reissue date, of the patent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further objects to this request to the extent it seeks documents and things not in Oracle's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 60:

All Documents and Things Relating to any research and development projects associated with technology that was ultimately included or incorporated in Java, including but not limited to Imagination Project, Stealth Project, Green Project, Project Oak or other similar projects.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine.

REQUEST FOR PRODUCTION NO. 61:

All Documents and Things sufficient to show each public presentation, white paper, conference submission, or other public communication Relating to any subject matter of any patent-in-suit dated prior to the filing date of the application for the corresponding patent-in-suit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Oracle directs Google's attention to Oracle's production pursuant to Patent Local Rule 3-2 and Oracle's response to Google's request for production no. 8.

Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further objects to this request to the extent it seeks documents and things not in Oracle's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 62:

All Documents and Things Relating to a document entitled "Further" by Bill Joy, including but not limited to all drafts thereof and any internal or external correspondence regarding the document.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to a document entitled 'Further' by Bill Joy," Oracle objects to this request as vague, overly broad, unduly

1 burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects
2 to this request to the extent that it encompasses documents and information protected from
3 discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further
4 objects to this request to the extent it seeks documents and things not in Oracle's possession,
5 custody, or control.

6 **REQUEST FOR PRODUCTION NO. 63:**

7 All Documents and Things Relating to virtual machines other than the Java virtual
8 machine that were known to or were in the possession, custody, or control of any named
9 inventors of any of the patents-in-suit prior to the issue date, or reissue date, of the inventor's
10 corresponding patent(s).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

12 Oracle will meet and confer with Google to determine appropriate ESI search terms,
13 which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI
14 agreement.

15 To the extent Google seeks other documents or things, Oracle objects to this request on
16 the grounds that it is not clear exactly what Google seeks because the request does not describe
17 with reasonable particularity each item or category of items to be inspected as required by Federal
18 Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to virtual
19 machines," Oracle objects to this request as vague, overly broad, unduly burdensome, and not
20 reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the
21 extent that it encompasses documents and information protected from discovery by the attorney-
22 client privilege or the attorney work-product doctrine. Oracle further objects to this request to the
23 extent it seeks documents and things not in Oracle's possession, custody, or control.

24 **REQUEST FOR PRODUCTION NO. 64:**

25 All Documents and Things Relating to the subject matters identified in requests for
26 production numbers 53 through 59 above that are currently in Oracle's possession, custody or
27 control, including all such documents in the possession, custody or control of Oracle's counsel.
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Oracle will meet and confer with Google to determine appropriate ESI search terms, which Oracle will apply to user-generated documents and data pursuant to the Parties' ESI agreement.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "All Documents and Things Relating to," Oracle objects to this request as vague, overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it encompasses documents and information protected from discovery by the attorney-client privilege or the attorney work-product doctrine. Oracle further objects to this request to the extent it seeks documents and things not in Oracle's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 65:

All Documents Relating to any agreement or proposed agreement with any third party regarding joint development of any Java programs or materials or any portions or elements of Java, including all Documents relating to the negotiation of any such agreements or proposed agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Oracle will produce Java joint-development agreements that can be found in its possession, custody, or control through reasonable efforts.

To the extent Google seeks other documents or things, Oracle objects to this request on the grounds that it is not clear exactly what Google seeks because the request does not describe with reasonable particularity each item or category of items to be inspected as required by Federal Rule of Civil Procedure 34(b)(1)(A). As for "all documents relating to" such agreements, Oracle objects to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Oracle further objects to this request to the extent that it would

1 encompass documents and information protected from discovery by the attorney-client privilege
2 or the attorney work-product doctrine.

3
4 Dated: January 6, 2011

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7 Richard S. Ballinger

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